

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

THE HERSHEY COMPANY and  
HERSHEY CHOCOLATE &  
CONFECTIONERY CORPORATION,

Plaintiffs/Counterclaim Defendants,

v.

PROMOTION IN MOTION, INC.,

Defendant/Counterclaim Plaintiff.

Civil Action No. 07-1601  
(SDW) (MCA)

**ORDER**

November 7, 2011

**WIGENTON**, District Judge.

Before the Court is defendant's, Promotion in Motion ("PIM"), motion pursuant to Federal Rule of Civil Procedure 54(b) to modify this Court's October 4, 2010 order, which granted plaintiffs', the Hershey Co. and Hershey Chocolate & Confectionery Corp., motion for partial summary judgment on defendant PIM's counterclaim and affirmative defense based on genericness ("PIM's Motion").

For the reasons set forth in this Court's opinion dated November 7, 2011, the PIM's Motion is **DENIED**.

**SO ORDERED.**

s/Susan D. Wigenton, U.S.D.J.

Orig: Clerk  
CC: Parties  
Judge Arleo